

K. Madras, ~~London~~ & ~~Print~~ G. L. L. L.

THE *8022667*
RESOLUTIONS
OF THE
MADRAS COMMITTEE,

HELD AT
FORT SAINT GEORGE,
SEPTEMBER 19th, 1785.

ALSO THEIR
PETITION
TO THE
PARLIAMENT
OF
GREAT-BRITAIN.

L O N D O N:

PRINTED FOR JOHN STOCKDALE,
OPPOSITE BURLINGTON-HOUSE, PICCADILLY.

M.DCC.LXXXVI.

[Price ONE SHILLING.]

Entered at Stationers Hall.

1123



46

1
679

THE
RESOLUTIONS
OF THE
MADRAS COMMITTEE.

*At a Meeting of the BRITISH INHABITANTS
held at the Town-Hall of Fort St. George, on
Monday the 19th Day of September, 1785, in
consequence of a Summons by John Snow, Esq.
Sheriff of the said Town,*

THE Sheriff informed the Inhabitants that he had convened them in compliance with the request of William Wynch, Esq. Foreman of the Grand Jury, to whom he referred them for the business of the day.

Mr. Wynch was requested to take the chair; he then stated that, as Foreman, and at the desire of the Grand Jury, he had applied to the Sheriff to convene this

Meeting, in order to take into consideration certain clauses in an act passed in the 24th year of his present Majesty, and entitled, " An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies." That some time after his application to the Sheriff, he received from Josias Dupre Porcher, Esq. a letter, with several papers transmitted to Mr. Porcher from Henry Vansittart, Esq. of Calcutta, which he begged leave to read :

To WILLIAM WYNCH, Esq.

Foreman of the Grand Jury for the Town of Madras.

S I R,

ACCOMPANYING I send you an Address from the Committee of British Inhabitants at Calcutta to the British Inhabitants at Madras, their late Resolutions, and those of the Brigade stationed at Cawnpore. Also Mr. Henry Vansittart's Letter to me, requesting I should communicate the Address to them in such manner as may be most adviseable.

As you have already, in the name of the Grand Jury, addressed the Sheriff, and a Meeting is summoned in consequence for the 19th instant at the Town-Hall, I conceive you are the fittest channel to communicate the Address of the

the British Inhabitants in Calcutta to the British Inhabitants of Madras.

I beg leave at the same time to submit, whether, from the principle of respect to so respectable a body of British Subjects as are represented by the gentlemen composing the Calcutta Committee, it may not be proper to suggest to the Gentlemen of the Grand Jury to permit your applying to the Sheriff for a Meeting of the British Inhabitants, at the Town-Hall, at an earlier day than the 19th instant.

I have the honour to be, Sir,

Your most obedient,

humble Servant,

JOSIAS DUPRE PORCHER.

Fort St. George,

Septemb. 6, 1785.

JOSIAS DUPRE PORCHER, Esq.

Calcutta, Aug. 13, 1785.

S I R,

BY desire of the Committee appointed by the inhabitants of this settlement, to prepare Petitions against the oppressive Clauses of the late Act of Parliament, and to correspond with the other Presidencies, I transmit to you a letter from them, addressed to the inhabitants of Madras; which I request the favour of you to communicate in such manner

as

as may be most adviseable. I enclose a few copies of the Resolutions of the inhabitants of Calcutta, on the 25th day of July last, as well as those of the Third Brigade at Cawnpore on the 17th of March, 1784.

I am, Sir,

Your most obedient,

humble Servant,

HENRY VANSITTART.

To the British Inhabitants of Madras.

Gentlemen,

IN conformity to a summons by the Sheriff, at the desire of the Grand Jury, a meeting of the British inhabitants in Calcutta was held on the 25th of July, and certain resolutions were passed; copies of which, we, who have had the honour of being elected a Committee for the purpose of carrying them into effect, now inclose for your information.

By the 8th Resolution this Committee is impowered to correspond with the other Presidencies for the purpose of uniting the whole in the same constitutional measures, for obtaining a Repeal of the oppressive parts of the late Act of Parliament. We are satisfied that you, Gentlemen, think of the Act as we do, and that you will not hesitate therefore to adopt similar measures with ourselves. To the success of these measures, uniform consistency and vigour are alike indispensable.

The first we are assured will prevail ; since by the late Act of Parliament all have been equally aggrieved ; and, no doubt, therefore, all are equally disposed and determined to seek a redress of their grievances.

In respect to the second object, it can, in our opinion, only be obtained by the means of a safe, regular, and unreserved communication, interchangeably carried on with the several Presidencies. It is our request, therefore, that in the event of your concurring in the steps taken by this Settlement, and a Committee being consequently resolved on and appointed, they may be desired to open immediately a correspondence with us ; and to communicate freely, and at large, the sentiments of your community, upon a subject of such general concern to the British Subjects in India.

We have the honour to be,

Gentlemen,

Your most obedient,

humble Servants,

John Bristow,

C. Purling,

H. Cowper,

T. W. Davies,

J. Evilyn,

Jonathan Duncan,

Peter Murray,

William Scott,

Patrick Duff,

J. Church,

Henry Vansittart.

Calcutta, Aug. 19, 1785.

At a Meeting of the British Inhabitants of Calcutta, held at the Theatre on Monday the 25th of July in pursuance of a public Summons by the High Sheriff, at the request of the Grand Jury, on the 15th of June last, for the Purpose of taking into Consideration the Propriety and Necessity of a Petition on certain Parts of an Act of the 24th of his present Majesty, entitled "An Act for the better Regulation of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies."

The following Resolutions were proposed, and unanimously agreed to.

1. RESOLVED, That his Majesty's subjects in the East Indies, are intitled to the protection and support of the laws of England, in common with the other subjects of the realm.

2. Resolved, That so much of the Act of the 24th of his present Majesty, chapter 25, entitled "An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East Indies," as compels the servants of the East India Company, upon their return to Great Britain, to deliver in, upon oath, an inventory of their whole property, under penalties of excessive severity

is

is grievous and oppressive to the servants of the said Company, and repugnant to the constitution of our country.

3. *Resolved*, That the erection of a new tribunal by the said Act, for the special purpose of trying offences charged to have been committed in the East Indies; a tribunal unrestrained by the settled rules of law, and subject to no appeal; and the depriving them of their unbounded birth-right, the trial by Jury, are violations of the great character of our liberties, and infringements of the most sacred principles of the British constitution.

4. *Resolved*, That the said Act, by exposing of his Majesty's subjects residing under the Presidency, to be sent forcibly to England, and there be tried for offences committed, or charged to be committed by them, within these provinces, is highly dangerous to the securities of their persons and fortunes.

5. *Resolved*, That it is injurious to the Servants of the United Company, to be subjected by the said Act of Parliament, to be dismissed from their employments in the East Indies, or to be recalled at the pleasure of the Crown, which is, in other words, at the will of the Minister.

6. *Resolved*, That the provision of the said Act of Parliament, which enacts that all writings which shall have been transmitted from the East Indies to the Court of Directors, by their officers or servants resident in the East Indies, in the usual course of their correspondence with the said Court of Directors, may be admitted by the Commissioners to be offered in evidence, and shall not be deemed

inadmissible or incompetent, is subversive of the established rules of evidence, and manifestly dangerous to his Majesty's subjects returning from this country to Great Britain.

7. *Resolved*, That it is therefore becoming, and highly expedient for his Majesty's subjects in these provinces, to endeavour by all legal and constitutional means to obtain a repeal of such clauses in the said Act of Parliament, as impose these and other hardships upon them; and that, for the purpose of obtaining such repeal, Petitions, humbly laying our grievances before his Majesty and the two Houses of Parliament, are adviseable, necessary, and proper.

8. *Resolved*, That a Committee of fifteen gentlemen, selected from the inhabitants of Calcutta, be appointed to prepare Petitions to his Majesty and the two Houses of Parliament, and to correspond with the inland stations subordinate to this government, and with the other Presidencies in India; and that it be recommended to them to take all such measures as they shall judge necessary for transmitting the said Petitions to Europe, and for promoting and obtaining an effectual redress to his Majesty's subjects in India. And that the said Committee be empowered to fill up vacancies, as they may happen in the course of time.

9. *Resolved*, That as considerable expence must be unavoidably incurred by our endeavours to obtain a redress of our grievances, a subscription shall be opened by the Committee, who shall be elected by this Assembly; and that as soon as the Petition shall be ready for signature, a

book shall be produced for the said subscription, to the end that every man may have the opportunity of promoting, by a voluntary sacrifice of a small share of his property, that security of the whole which is the grand object of our Petitions.

10. *Resolved*, That all subscriptions be received, whether in specie or paper; and that the amount subscribed, shall be paid by each subscriber to such person or persons as the said Committee, when elected, shall appoint to receive the same.

11. *Resolved*, That this Assembly do authorize the said Committee to dispose of and expend the whole or any part of the sums of money so paid, in such manner as shall appear to them best calculated for the general benefit of the cause for which they were subscribed,

12. *Resolved*, That Mr. Charles Purling be a Member of the Committee, and that he be requested to propose fourteen other gentlemen to the Meeting for their approval,

13. *Resolved*, That the following gentlemen are elected for the purposes mentioned in the foregoing resolutions, viz.

Col. Patrick Duff,
Capt. Jonathan Murray,
Capt. Peter Murray,
Capt. William Scott,
Capt. Herbert Lloyd,
Charles Purling,
John Bristow,
Jeremiah Church,

William Cowper,
Henry Vansittart,
John Evelyn,
Jonathan Duncan,
George Dallas,
Thomas Henry Davies,
and
Philip Younge, Esq.

14. *Resolved*, That this Assembly of the British inhabitants of Calcutta, having the most perfect confidence and trust in the uprightness, integrity, and abilities, of the Committee chosen for the conduct and management of their interest, and for the protection and defence of their rights, as subjects of Great Britain, do, in order to give vigour and efficacy to their acts, and to free them from future trouble, embarrassment, and obstruction, delegate to them full authority, and do express a plenary reliance on them for the exercise of it; and do pledge to them the concurrence and support of the said Assembly, in the fullest manner possible, to all measures they shall legally adopt for obtaining a repeal of the oppressive parts of the afore-said Act of Parliament.

15. *Resolved*, That the thanks of this Meeting be given to the Grand Jury, for having convened a legal and constitutional Meeting of the British subjects in this settlement, for the purpose of petitioning his Majesty and the two Houses of Parliament, for redress of those heavy grievances imposed on them by the before-mentioned Act of the Legislature.

16. *Resolved*, That the thanks of this Meeting be given to Philip Young, Esquire, the High Sheriff, for his patriotic conduct in calling the Assembly, at the request of the Grand Jury.

17. *Resolved*, That the thanks of this Meeting be given to Charles Purling, Esquire, for the great precision, candour, and regularity, with which he has conducted the business of the day.

18. *Resolved*,

18. *Resolved*, That the above Resolutions be printed, and made public.

Resolutions framed on the 13th, and agreed to on the 17th of March, 1785, by the Officers of the Third Brigade, stationed at Cawnpore.

THE general voice of the gentlemen at this station, taking into consideration the most proper mode of obtaining a repeal of the clauses of Mr. Pitt's India Bill, which, under the unjust, illiberal plea of delinquency on our parts, constitute the new Court of Judicature.

The following heads are recommended to the perusal of the gentlemen at large, and if approved of their signatures are requested.

1. That, as Britons, we are intitled to the protection and support of the ancient and established laws of England, in common with the other subjects of the realm.

2. That the inventory required from the servants of the Honourable East India Company, and the new Court of Judicature constituted by Mr. Pitt's Bill for the trial of delinquents, are contrary to the laws and customs of England; in so much that it compels, under very severe penalties, men born free, to give evidence against themselves, and deprives the subject of that inestimable blessing, and his birth-right, a trial by his Peers.

3. That it is the duty of every subject to support the laws,

laws, and by every legal and honest endeavour, to prevent innovations in the constitution.

4. That we do most solemnly believe the new Court of Judicature, constituted by Mr. Pitt's Bill, to be contrary to the constitution.

We further Resolve, That so soon as the several opinions of the gentlemen at this station be obtained, we will elect by ballot a Committee to correspond with the other Committees at the several stations, and aid and assist their good endeavours.

Resolved likewise, That when called upon we will cheerfully subscribe what proportionable sums of money may be requisite in support of this our just cause.

N. B. The above Resolutions were subscribed by the gentlemen present at this Meeting; and afterwards by circulation, and at the subsequent Meeting on the 17th of March 1785, by about one hundred and fifty.

It was also agreed at this Meeting, that a general Meeting of those gentlemen who may be willing to sign the accompanying Resolutions, be requested on Thursday next the 17th instant, at Alcockstope, to ballot for a Committee, to conduct the business. The mode of ballot proposed is that each subscriber shall bring or send a list of twenty names, and from a majority of votes thus given, thirteen or more gentlemen may be returned as a Committee.

Mr. Wynch then observed, that, as the principle of the Act had been frequently canvassed in the community, and so well understood, he conceived any particular discussion
of

of it in the present stage of the business unnecessary; that the situation in which he stood had made it his peculiar duty to turn his thoughts to the object of this Meeting, and that he was of opinion an Address to his Majesty, and Petition to both Houses of Parliament, founded in moderation, and couched in terms of loyalty and respect, might have the desired effect of obtaining a repeal of the exceptionable clauses; and, if the Meeting in general were of that opinion, he would beg leave to propose a selection of Gentlemen, to prepare Drafts of such Address and Petition for the Meeting.

The sentiments and propositions of the Chairman meeting with general concurrence, he named the following persons :

Charles Oakley, Esquire,	
The Hon. Lieut. Col. Cathcart,	
Col. Capper,	
Lieut. Col. Bruce,	
Major Eidingtown,	
Thomas Oakes,	} Esquires.
John Balfour,	
John Chammier,	
George Mowbray,	
Josiah Dupre Porcher,	
S. Popham,	

Who were unanimously approved, and requested to retire and prepare the Drafts of the Address and Petitions.

The above Gentlemen, after some time, returned, and Mr. Oakley, at the desire of the Chairman, read the
Drafts

Drafts which had been prepared. Some observations were offered on certain parts of the Petition to the Two Houses of Parliament; but as the day was far advanced, it was resolved the further consideration should be postponed to the 21st instant; and that the Drafts lie on the table, in the interim, for the inspection of the Public.

The Meeting was adjourned accordingly.

At an adjourned Meeting of the British Inhabitants held at the Town-Hall of Fort St. George, on Wednesday, the 21st Day of September, 1785,

The Chairman desired to know if it was the opinion of the Gentlemen to enter on a discussion of the proposed Address and Petition at that time, or to adjourn to a further day. It was resolved to enter on the discussion immediately, and to read and consider them paragraph by paragraph.

The Draft of the Address to his Majesty was first read, and unanimously approved without any amendment.

The Draft of the Petitions to the Houses of Lords and Commons were then read, and, after undergoing such amendments as were suggested by different Gentlemen, with a view of uniting the general sense of the Meeting on the Petitions, were ultimately approved.

The Address to his Majesty, and Petition to the two Houses of Parliament, are as follows :

I

To

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

WE your Majesty's faithful subjects, the British inhabitants of the Presidency of Fort St. George, in the East-Indies, and its dependencies, humbly beg permission to approach your Majesty with sentiments of the most perfect loyalty and attachment to your Majesty's person and government.

In these sentiments we respectfully claim, through your Majesty's gracious protection, and the justice of Parliament, a measure of security to our persons, properties, and characters, equal to that so happily enjoyed by our fellow-subjects in every other part of the British empire: a claim the more necessary to urge, as, from the misconduct of a few persons, we find ourselves involved in the effects of a general censure, which cannot easily be removed. The most perfect innocence would prove but a slender shield to our reputations, against strong and unfavourable prepossession; and the prospect becomes dark and comfortless indeed, where the legislature itself sanctifies so dangerous a principle.

We observe, with inexpressible concern, that the Act of Parliament passed in the 24th year of your Majesty's reign, and intitled "An Act for the better Regulation and Management of the East India Company, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies," is liable to an interpretation

C

extremely

extremely adverse to that freedom and protection which are equally claimed by every subject in your Majesty's dominions. The privilege of trial by Jury is there taken away from us, and our persons and property endangered without even the formality of a charge, or any alledged cause of suspicion against us.

We have endeavoured, by legal and constitutional representations, to obtain a repeal of such parts of the Act as appears to come under this description; and we rest in humble, but confident hope, that your Majesty will be graciously pleased to exercise your Royal Prerogative, in conjunction with both Houses of Parliament, to promote the object of our desires.

We are sensible that in this pursuit we require no better advocate than the justice of our cause. Yet it may not be totally improper, on the present occasion, to advert to the services performed by that description of your Majesty's subjects, which, by the late Act, is excluded from the privileges so clearly held as the birthright of Britons. And here, without going back to the different periods at which the British possessions in this country were gradually acquired and annexed to the state; we may be permitted to dwell for a moment on those exertions which have lately preserved them unimpaired, against a dangerous union of European and Asiatic powers, avowedly formed for their destruction.

Under circumstances of such perplexing difficulty and embarrassment as this crisis afforded, we venture to assert that the country could not have been maintained, but by
 I effects

effects of uncommon vigour, zeal, and perseverance. By aids of money from individuals, liberally contributed for the support of an exhausted treasury, and a ruined credit. By an active prosecution of the public service in every department; and, above all, by the patient and cheerful sufferings of an army exposed to unexampled distresses from the want of regular pay, and with large and increasing arrears due to them.

These exertions, though they cannot tend to strengthen claims founded on the broad principles of public justice, will, we have reason to hope, be received as proofs of our unalterable attachment to the welfare of that country which gave us birth, and which, until this Act passed, held out to the fortunate and surviving few, destined to return to it, the cheering prospect of peace, liberty, and happiness.

Our cause thus submitted to the wisdom of your Majesty, and the consideration of both Houses of Parliament, we patiently wait the result, and conclude with offering up our fervent wishes to the Almighty, that your Majesty may long continue to enjoy that pure and exalted pleasure which springs from the affection of a true, loyal, and united people.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain, in Parliament assembled.

The Humble Petition of the British Inhabitants of the Presidency of Fort Saint George, in the East-Indies, and its Dependencies,

SHEWETH,

THAT your Petitioners embarked for this distant country, in the sure confidence that those privileges which are inherent in them, as British Subjects, would, in no shape, be abridged, either during their residence in India, or on their return to Great Britain.

That your Petitioners have on all occasions manifested a most unequivocal attachment to the glory and prosperity of their country; and they beg leave to observe, that in a late memorable instance, when the Empire, under the pressure of numerous calamities, was tottering to its foundation, India supported herself through the zeal of His Majesty's subjects, and came out of the trial weak, it is true, but totally unimpaired in the extent of her dominion. Such exertions are not, perhaps, intitled to any other approbation than that which is commonly bestowed on the strict performance of a necessary duty. Your Petitioners claim no other. Yet under this claim they are surely intitled to the same measure of protection and security for their persons, properties, and characters, that is extended to His Majesty's subjects in every other part
of

of the Empire. But it has been the misfortune of your Petitioners to labour under the effects of a severe and indiscriminating censure ; and to perceive this spirit, which they had hoped was confined to the ignorant, and to the prejudiced part of their countrymen, transfused into the leading principles of a British Act of Parliament. The Act of the Legislature passed in the 24th year of His Present Majesty, and intitled, " An Act for the better Regulation and Management of the Affairs of the East-India Company ; and for establishing a Court of Judicature for the speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," proceeds on a principle that guilt is attached to the conduct of every person holding offices of employment and trust in this country. In conformity to this principle, the 55th clause of the act requires, that every person now being, or who may hereafter be, in the service of the United Company, shall, on his return to Great Britain, deliver in upon oath an inventory of his effects and property of every kind : and that this compulsive disclosure may operate more effectually to the conviction of the party making it, informers are invited, by considerable rewards, to impeach the authenticity of the account ; and this impeachment is followed by criminating interrogatories, to be answered upon oath by the party accused, of falsification, or concealment ; and the party himself is subjected to imprisonment, if he refuses to answer, and to be kept in safe custody until he shall have fully answered the said interrogatories to the satisfaction of the Court.

Your Petitioners with great concern and humility observe, that this severe process, by which their persons and
property

property are subject to so much vexation, is dedicated upon no previous accusation of any crime committed by the party who delivers the account of his effects. Poverty must suffer great inconvenience and distress, by being exposed to the world; and innocence may, from the interested and malicious zeal of informers, be subject to all the consequences of guilt.

Your Petitioners further shew, that, by the 64th and other subsequent clauses in the said Act, a new tribunal is established for the investigation and punishment of offences committed in the East-Indies, which takes away that inestimable birthright of the subject, the Trial by Jury. After maturely and deliberately reviewing the arguments that have been urged in favour of this measure, your Petitioners confess, (with all deference to the wisdom of your Lordships) that its necessity is not apparent; and they humbly hope, as this part of the Act so immediately affects their privileges, they may be allowed to state the objections that have occurred to them on the subject.

Your Petitioners highly respect the principle which equitably inclines to the selection of men of high rank and liberal education to determine upon charges supposed to involve a variety of complicated matter; and, had the Act provided such persons to officiate in the character only of Jurors, your Petitioners do not conceive any possible objection that could have been made to them: but the new Judicature has nothing like that separate and distinct character which is performed by a Jury. The Tribunal is to consist of a certain number of Commissioners, drawn by ballot, from the Members of both Houses
of

of Parliament; to which are to be added three of the Judges of His Majesty's Courts; the whole amounting to Thirteen, of whom Seven (including one of the Judges) are to form a quorum, and to meet and adjourn, from time to time, as they think fit. By this means your Petitioners humbly conceive the Court itself must be in a state of constant fluctuation during every trial. The same Commissioners will not be present at the examination of all the evidence; and it may so happen, if the trial be long, that the majority of those present at the time of passing judgment may consist of Members that have attended but little, or perhaps not at all, during the examination of the evidence. A Court so constituted, cannot, we humbly conceive, take in all the circumstances of a trial, so as to pass judgment with a safe conscience. An ordinary Jury-man does not venture to pronounce upon the truth of an accusation unless he hears the whole evidence himself: but in this new Court the two distinct offices of Judge and Jury (incompatible by the Constitution) are to be performed by the same persons; the fact too is to be found by men who attend partially during the examination of evidence; the judgment is pronounced "according to the effect of the judgment of the common law," by a Court, the major part of which cannot be supposed, from the want of professional knowledge, competent to such legal decision. Your Petitioners observe, with concern too, that from this Court there lies no appeal.

Your Petitioners humbly submit, with the greatest deference and respect, that his Majesty's Courts, before the institution of this new Tribunal, were adequate to the trial

trial of all offences committed in India, without touching, in the smallest degree, upon the constitutional rights of the subject.

Your Petitioners further beg leave to shew, that, by the 8oth clause of the said act, "all Writings transmitted from
" the East-Indies to the Court of Directors by their Officers or Servants, in the usual Course of Correspondence,
" and Copies of all Writings which shall have been transmitted to the Court of Directors, or any Committee of
" them, to their Officers or Servants in the East-Indies,
" and which in any Manner relate to the subject Matter of
" the Charge to be contained in the Information; or the
" Defence to be made, may be admitted as Evidence, and
" not be deemed inadmissible, or incompetent, unless
" upon Objections arising upon the Nature of the Contents of such Writings; subject, nevertheless, to be impeached, in point of Credibility, by such Observations
" and Objections as the Nature of such Evidence, or other
" Circumstances, may suggest; any Rule of the Common Law to the contrary notwithstanding."

Your Petitioners are apprehensive that the above Clause admits of too great a latitude in the construction of written evidence, by allowing a discretionary power in the Court to admit all writings, of whatever nature, entered upon the records and consultations of the Company; and among the rest, the letters of Government and of individuals, containing matters of representation and opinion; whereas we conceive that the admission of public writings ought strictly to be confined to orders from the Court of Directors, and Government and Military orders,
proved

proved to have been regularly communicated to the party at the time, and those issued by him, if in command, or in station distant from the Presidency. With this strict limitation, such writings might be received in evidence, subject to impeachment, in point of credibility, according to the nature of such evidence; but all other writings sent from this country, in the usual course of public correspondence, ought, your Petitioners conceive, at once to be declared inadmissible.

The great distance at which your Petitioners reside from the seat of the British empire, has induced them to state their circumstances under this new Act more at large, and with a more pointed view to the means of redress, than they should otherwise have done. They trust, however, to the candour of your Lordships for their excuse; and to the wisdom and justice of Parliament, and of their most gracious Sovereign for relief, in the object of their Petition; and they entertain a favourable, and even an auspicious, hope of success, from the sacred motives which have guided them in this pursuit, and the high respect with which they have endeavoured to mark their proceedings.

Your Petitioners, therefore, humbly pray that your Lordships, as the hereditary guardians of the rights and privileges of all British Subjects, will vote a repeal of those clauses in the said Act of Parliament, which have given such just cause of uneasiness and alarm to your Petitioners, and that your Lordships will be pleased to grant such further and general relief in the premises as to your Lordships shall seem meet.

And your Petitioners shall ever pray.

*To the Honourable the House of Commons of Great
Britain, in Parliament assembled.*

The humble Petition of the British Inhabitants of
the Presidency of Fort Saint George, in the
East Indies, and its Dependencies,

SHEWETH,

THAT your Petitioners embarked for this distant country, in the sure confidence that those privileges which are inherent in them as British subjects, would, in no shape, be abridged, either during their residence in India, or on their return to Great Britain.

That your Petitioners have on all occasions manifested a most unequivocal attachment to the glory and prosperity of their country; and they beg leave to observe, that in a late memorable instance, when the empire, under the pressure of numerous calamities, was tottering to its foundation, India supported herself through the zeal of his Majesty's subjects, and came out of the trial weak, it is true, but totally unimpaired in the extent of her dominion. Such exertions are not perhaps entitled to any other approbation than that which is commonly bestowed on the strict performance of a necessary duty. Your Petitioners claim no other: yet, under this claim they are surely intitled to the measure of protection and security for their persons, properties, and characters, that is extended to his Majesty's subjects in every other part of the Empire. But it has been the misfortune of your Petitioners to
labour

labour under the effects of a severe and indiscriminating censure, and to perceive this spirit, which they had hoped was confined to the ignorant and the prejudiced part of their countrymen, transfused into the leading principles of a British Act of Parliament. The Act of the Legislature, passed in the 24th year of his present Majesty, and entitled "An Act for the better Regulation and Management of the Affairs of the East India Company, and for establishing a Court of Judicature for the speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," proceeds on a principle that guilt is attached to the conduct of every person holding offices of employment and trust in this country. In conformity to this principle, the 55th Clause of the Act requires, that every person now being, or who may hereafter be, in the service of the United Company, shall, on his return to Great Britain, deliver in upon oath an inventory of his effects and property of every kind. And, that this compulsive disclosure may operate more effectually to the conviction of the party making it, informers are invited by considerable rewards, to impeach the authenticity of the account; and this impeachment is followed by criminal interrogatories, to be answered upon oath by the party accused of falsification or concealment, and the party himself is subjected to imprisonment, if he refuse to answer, and to be kept in safe custody until he shall have fully answered the said interrogatories, to the satisfaction of the Court.

Your Petitioners, with great concern and humility observe, that this severe process, by which their persons and property are subject to so much vexation, is dedicated

upon no previous accusation of any crime committed by the party who delivers the accounts of his effects.—Poverty must suffer great inconvenience and distress, by being exposed to the world; and innocence may, from the interested, malicious zeal of informers, be subject to all the consequences of guilt.

Your Petitioners further shew, that, by the 64th and other subsequent Clauses in the said Act, a new tribunal is established, for the investigation and punishment of offences committed in the East-Indies, which takes away that inestimable birthright of the subject, the Trial by Jury.—After maturely and deliberately reviewing the arguments that have been urged in favour of this measure, your Petitioners confess (with all deference to the wisdom of your honourable House) that its necessity is not apparent; and they humbly hope, as this part of the Act so immediately affects their privileges, that they may be allowed to state the objections that have occurred to them on the subject.

Your Petitioners highly respect the principle which equitably inclines to the selection of men of high rank, and liberal education, to determine upon charges supposed to involve a variety of complicated matters; and, had the Act provided such persons to officiate in the character of Jurors only, your Petitioners do not conceive any possible objection that could have been made to them. But the new Judicature has nothing like that separate and distinct character which is performed by a Jury. The tribunal is to consist of a certain number of Commissioners drawn by ballot from the Members of both Houses of Parliament; to which are to be added, three of the Judges of
his

his Majesty's Courts. The whole amounting to Thirteen, of whom Seven (including one of the Judges) are to form a quorum, and to meet and adjourn from time to time, as they think fit. By this means your Petitioners humbly conceive the Court itself must be in a state of constant fluctuation during every trial. The same Commissioners will not be present at the examination of all the evidence; and it may so happen, if the trial be long, that the majority of those present at the time of passing judgment, may consist of Members that have attended but little, or perhaps not at all, during the examination of the evidence.—A Court so constituted, cannot, we humbly conceive, take in all the circumstances of a trial, so as to pass judgment with a safe conscience. An ordinary Jurymen does not venture to pronounce upon the truth of an accusation, unless he hears the whole evidence himself. But in this new Court, the two distinct offices of Judge and Jury (incompatible by the constitution) are to be performed by the same persons, the fact too is to be found by men who attend partially during the examination of evidence. The judgment is pronounced "according to the effect of the judgment of common law," by a Court, the major part of which cannot be supposed, from the want of professional knowledge, competent to such legal decisions. Your Petitioners observe, with concern too, that from this Court there lies no appeal,

Your Petitioners humbly submit, with the greatest deference and respect, that his Majesty's Courts, before the institution of this new tribunal, were adequate to the trial of all offences committed in India, without touching in the
smallest

smallest degree upon the constitutional rights of the subject.

Your Petitioners further beg leave to shew, that, by the 80th Clause of the said Act, " All writings transmitted
 " from the East Indies to the Court of Directors, by their
 " officers or servants, in the usual course of correspon-
 " dence, and copies of all writings, which shall have been
 " transmitted by the Court of Directors, or any Com-
 " mittee of them, to their officers and servants in the
 " East Indies, and which in any manner relate to the
 " subject matter of the charge to be contained in the in-
 " formation, or the defence to be made, may be admitted
 " as evidence, and not be deemed inadmissible or incom-
 " petent, unless upon objections arising upon the nature
 " of the contents of such writings, subject, nevertheless, to
 " be impeached in point of credibility, by such observa-
 " tions and objections as the nature of such evidence, or
 " other circumstances, may suggest, any rule of the com-
 " mon law to the contrary notwithstanding."

Your Petitioners are apprehensive that the above Clause admits of too great a latitude in the construction of written evidence, by allowing a discretionary power in the Court, to admit all writings, of whatever nature, entered upon the Records and Consultations of the Company; and, among the rest, the Letters of Government, and of individuals, containing matters of representation and opinion; whereas, we conceive, that the admission of public writings ought strictly to be confined to orders from the Court of Directors, and government and military orders proved to have been regularly communicated to the
 party

party at the time, and those issued by him, if in command, or in station distant from the Presidency. With this strict limitation, such writings might be received in evidence, subject to impeachment in point of credibility, according to the nature of such evidence; but all other writings, sent from this country in the usual course of public correspondence, ought, your Petitioners conceive, at once be declared inadmissible.

The great distance at which your Petitioners reside from the seat of the British empire, has induced them to state their circumstances under this new Act, more at large, and with a more pointed view to the means of redress than they should otherwise have done: they trust, however, to the candour of your Honourable House for their excuse; and to the wisdom and justice of Parliament, and of their most gracious Sovereign, for relief in the object of their Petition; and they entertain a favourable, and even an auspicious hope of success from the sacred motives which have guided them in this pursuit, and the high respect with which they have endeavoured to mark their proceedings.

Your Petitioners, therefore, humbly pray that your Honourable House will vote a repeal of those Clauses in the said Act of Parliament, which have given such just cause of uneasiness and alarm to your Petitioners; and that your Honourable House will be pleased to grant such further and general relief in the premises, as to your Honourable House shall seem meet.

And your Petitioners shall ever pray.

The

The Chairman then moved that the thanks of this Meeting be given to the gentlemen who had prepared the Address and Petitions. This motion was carried unanimously.

The Honourable Lieutenant-Colonel Cathcart then mentioned the following request of the gentlemen selected to draw up the Address and Petitions: That it be minuted on the Proceedings of this Meeting, "That they thought proper to express their most cordial thanks to Charles Oakley, and Stephen Popham, Esqrs. for the able and zealous assistance afforded by them on this occasion:" which was unanimously agreed to.

The Meeting afterwards came to the following Resolutions.

Resolved, That the Address and Petitions be written fair, and left at the Town-Hall for the signature of the British Inhabitants at the Presidency, and be afterwards transmitted to the several subordinate and out-garrisons.

Resolved, That the Chairman be requested to send to the Honourable the President and Council copies of the Address and Petitions, for their informations, and that of the Court of Directors.

Resolved, That Mr. Porcher be requested to convey the acknowledgments of this Meeting to the gentlemen who form the Calcutta Committee, for the early and obliging communication of their proceedings through Mr. Vansittart, and to send, at the same time, a copy of these minutes.

Resolved, That the thanks of this Meeting be given to the Honourable Lieutenant-Colonel Cathcart for the candid information he had given, and the ready disposition shewn by him to promote the purposes of this Meeting; and that he be requested, as a member of the Honourable the House of Commons, to transmit the Petitions intended for both Houses of Parliament, in such manner as he shall think most consistent with the forms of each House.

Resolved, That the Chairman be requested to expedite the signature to the Address and Petitions, and to transmit them in triplicate to Europe by the earliest and safest opportunities; and, as some expences will be incurred for fees of office in England, that the Chairman be requested and authorized to defray them.

Resolved, That the thanks of this Meeting be given to the Grand Jury, for having requested the Sheriff to convene the British Inhabitants.

Resolved, That the thanks of this Meeting be given to John Snow, Esq. for his ready compliance with the request of the Grand Jury.

Resolved, That the thanks of this Meeting be given to William Wynch, Esq. for the able and attentive conduct he has manifested as Chairman of this Meeting.

WILLIAM WYNCH, Chairman,

JOHN SNOW, Sheriff.

At a Meeting of the British Inhabitants held at the Town-Hall of Fort St. George, on Thursday the 29th Day of September, 1785, in Consequence of a Summons of John Snow, Esq. late Sberiff of the said Town.

The Honourable Lieutenant-Colonel Cathcart informing the Chairman of the Meeting that an opportunity now offers of transmitting one transcript of the Address and Petitions to England, which will, in all probability, bring them before Parliament by the middle of April next; and that, if it be the wish of the Meeting, he will, with pleasure, send them home by that opportunity.

Resolved unanimously, As it is of the utmost importance the Address and Petitions should arrive in time, for the consideration of Parliament, during the September of 1786.

And as this desirable purpose can be effected only by embracing the present opportunity,

That the offer of Lieutenant-Colonel Cathcart be accepted; and that he be requested to send one transcript of the Address and Petitions, signed by such of the inhabitants as will be enabled, by being present in the neighbourhood of the settlement, to offer their signature before Sunday Evening, when it must be dispatched.

Resolved at the same time, That Mr. Wynch be desired to send the other two transcripts immediately to the subordinate and out-garrisons.

WILLIAM WYNCH, Chairman.
ROBERT LATHOM, Sheriff.

T H E E N D.

This Day is published, Price 1s.

O B S E R V A T I O N S
ON THE
L A S T D E B A T E
UPON THE
DEHLY NEGOCIATIONS,
AND THE
PROPOSED IMPEACHMENT
OF
M R. H A S T I N G S.

Printed for JOHN STOCKDALE, opposite Burlington-House,
Piccadilly.

At a Meeting of the British Inhabitants held at the Town-Hall of Fort St. George, on Thursday the 29th Day of September, 1785, in Consequence of a Summons of John Snow, Esq. late Sberiff of the said Town.

The Honourable Lieutenant-Colonel Cathcart informing the Chairman of the Meeting that an opportunity now offers of transmitting one transcript of the Address and Petitions to England, which will, in all probability, bring them before Parliament by the middle of April next; and that, if it be the wish of the Meeting, he will, with pleasure, send them home by that opportunity.

Resolved unanimously, As it is of the utmost importance the Address and Petitions should arrive in time, for the consideration of Parliament, during the September of 1786.

And as this desirable purpose can be effected only by embracing the present opportunity,

That the offer of Lieutenant-Colonel Cathcart be accepted; and that he be requested to send one transcript of the Address and Petitions, signed by such of the inhabitants as will be enabled, by being present in the neighbourhood of the settlement, to offer their signature before Sunday Evening, when it must be dispatched.

Resolved at the same time, That Mr. Wynch be desired to send the other two transcripts immediately to the subordinate and out-garrisons.

WILLIAM WYNCH, Chairman.
ROBERT LATHOM, Sheriff.

T H E E N D.

This Day is published, Price 1s.

O B S E R V A T I O N S
ON THE
L A S T D E B A T E
UPON THE
DEHLY NEGOCIATIONS,
AND THE
PROPOSED IMPEACHMENT
OF
M R. H A S T I N G S.

Printed for JOHN STOCKDALE, opposite Burlington-House,
Piccadilly.

*This Day is published, in Two Volumes Octavo,
Price 10s 6d in Boards,*

THE
B E A U T I E S
OF THE
BRITISH SENATE;

Taken from the Debates of the Lords and Commons,
from the Beginning of the Administration of Sir
ROBERT WALPOLE, to the End of the Second
Session of the Right Hon. WILLIAM PITT.

To which is prefixed,
The LIFE of SIR ROBERT WALPOLE.
Printed for JOHN STOCKDALE, opposite Burlington-
House, Piccadilly.

Of whom may be had,
A few remaining Copies, elegantly printed,
Price 12s. of

A NARRATIVE OF THE
INSURRECTION AT BANARIS.
Published by Order of WARREN HASTINGS, Esq,